

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Stipulated Settlement and
Disciplinary Order Against:

SHANNON REBECCA ARMSTRONG
aka SHANNON R. WAYCOTT
aka SHANNON REBECCA WAYCOTT
1101 S. 10th Street, Apt D
El Centro, CA 92243

Registered Nurse License No. **560464**

Respondent

Case No. 2012-637
OAH No. 2012050327

**STIPULATED SURRENDER
OF LICENSE AND ORDER**

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

IT IS SO ORDERED April 30, 2013.

This Decision shall become effective on April 30, 2013.

 *Louise R. Bailey M.Ed., RN*

Louise R. Bailey, M.ED., R.N. Executive Officer
FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Stipulated Settlement and
Disciplinary Order Against:

SHANNON REBECCA ARMSTRONG
a.k.a. SHANNON R. WAYCOTT
a.k.a. SHANNON REBECCA WAYCOTT
1101 S. 10th Street, Apt. D
El Centro, CA 92243

Registered Nurse License No. 560464

Respondent.

Case No. 2012-637

OAH No. 2012050327

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties that
the following matters are true:

PARTIES

1. Louise R. Bailey, M.Ed., R.N. (Complainant) is the Executive Officer of
the Board of Registered Nursing, who brought this action solely in her official capacity.

2. Shannon Rebecca Armstrong, aka Shannon R. Waycott, aka Shannon
Rebecca Waycott (Respondent), is representing herself in this proceeding and has chosen not to
exercise her right to be represented by counsel.

3. On or about October 15, 1999, the Board of Registered Nursing issued
Registered Nurse, License No. 560464 to Shannon Rebecca Armstrong, aka Shannon R.
Waycott, aka Shannon Rebecca Waycott (Respondent). The Registered Nurse, License No.
560464 will expire on April 30, 2013, unless renewed

JURISDICTION

4. On February 2, 2013, the Board of Registered Nursing adopted Stipulated
Settlement and Disciplinary Order No. 2012-637, which became effective on March 4, 2013.
The Stipulated Settlement and Disciplinary Order required, inter alia, the respondent to serve a 3-
year probation term that includes Probation Conditions # 1-19. The Stipulated Settlement and
Disciplinary Order is attached as exhibit A and incorporated herein by reference.

13 5. At all times after the effective date of Respondent's probation, Condition
14 states,

15 "License Surrender. During Respondent's term of probation, if she
16 ceases practicing due to retirement, health reasons or is otherwise unable to satisfy
17 the conditions of probation, Respondent may surrender her license to the Board.
18 The Board reserves the right to evaluate Respondent's request and to exercise its
19 discretion whether to grant the request, or to take any other action deemed
20 appropriate and reasonable under the circumstances, without further hearing.
21 Upon formal acceptance of the tendered license and wall certificate, Respondent
22 will no longer be subject to the conditions of probation.

23 Surrender of Respondent's license shall be considered a disciplinary action
24 and shall become a part of Respondent's license history with the Board. A
25 registered nurse whose license has been surrendered may petition the Board for
26 reinstatement no sooner than the following minimum periods from the effective
27 date of the disciplinary decision:

- 28 (1) Two years for reinstatement of a license that was surrendered for any
reason other than a mental or physical illness; or
(2) One year for a license surrendered for a mental or physical illness."

ADVISEMENT AND WAIVERS

6. Respondent has carefully read and understands Stipulated Settlement
and Disciplinary Order No. 2012-637. Respondent has carefully read, and understands the
effects of this Stipulated Surrender of License and Order and understands that this Stipulated
Surrender, if accepted by the Board, is considered as formal discipline of her license.

7. Respondent understands that by signing this stipulation she enables
the Board to accept the surrender of her Registered Nurse License without further process.

CONTINGENCY

8. This stipulation shall be subject to approval by the Board of Registered

1 Nursing. The Respondent understands and agrees that by signing this Stipulated Surrender of
2 License and Order, she may not withdraw her agreement or seek to rescind the stipulation prior
3 to the date it becomes effective. If the Board declines to accept this stipulation as its Decision
4 and Order, the Stipulated Surrender of License and Order shall be of no force or effect, except
5 for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board
6 shall not be disqualified from further action by having considered this matter.

7 9. This Stipulated Surrender of License and Order is intended by the parties to be
8 an integrated writing representing the complete, final, and exclusive embodiment of their
9 agreement. It supersedes any and all prior or contemporaneous agreements, understandings,
10 discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of
11 License and Order may not be altered, amended, modified, supplemented, or otherwise changed
12 except by a writing executed by an authorized representative of each of the parties.

13 10. The parties understand and agree that facsimile copies of this Stipulated
14 Surrender of License and Order, including facsimile signatures thereto, shall have the same
15 force and effect as the originals.

16 11. In consideration of the foregoing stipulations, the parties agree that the
17 Board may, without further notice or formal proceeding, issue and enter the following Order:

18 **ORDER**

19 IT IS HEREBY ORDERED that Registered Nurse License No. 560464, issued to
20 Respondent Shannon Rebecca Armstrong, aka Shannon R. Waycott, aka Shannon Rebecca
21 Waycott, is surrendered and the surrender is accepted by the Board of Registered Nursing.

22 12. The surrender of Respondent's Registered Nurse License and the
23 acceptance of the surrendered license by the Board shall constitute the imposition of discipline
24 against Respondent. This stipulation constitutes a record of the discipline and shall become a
25 part of Respondent's license history with the Board.

26 13. Respondent shall lose all rights and privileges as a Registered Nurse in
27 California as of the effective date of the Board's Decision and Order.
28

1 14. Respondent shall cause to be delivered to the Board both her pocket
2 license and wall certificate, if one was issued, on or before the effective date of the Decision
3 and Order.

4 15. Respondent fully understands and agrees that if she ever files an application
5 for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a
6 petition for reinstatement. Respondent must comply with all the laws, regulations and
7 procedures for reinstatement of a revoked license in effect at the time the petition is filed, and
8 all of the charges and allegations contained in Accusation No. 2012-637 shall be deemed to be
9 true, correct and admitted by Respondent when the Board determines whether to grant or deny
10 the petition.

11 16. Upon reinstatement of the license by the Board, Respondent shall pay to
12 the Board costs associated with its investigation and enforcement pursuant to Business and
13 Professions Code section 125.3 in the amount of \$1950.00 which is the amount currently
14 owed pursuant to Stipulated Settlement and Disciplinary Order No. 2012-637 (Exhibit A). If
15 the reinstatement of Respondent's license is granted, Respondent shall be permitted to pay
16 these costs in a payment plan approved by the Board.

17 17. Respondent shall not apply for licensure or petition for reinstatement for
18 2 years from the effective date of the Board of Registered Nursing's Decision and Order.
19
20
21
22
23
24
25
26
27
28


100

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

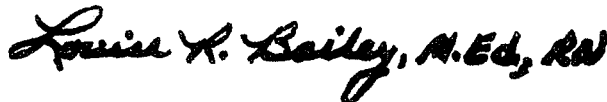
DATED: 4-16-13


SHANNON REBECCA ARMSTRONG
aka SHANNON R. WAYCOTT
aka SHANNON REBECCA WAYCOTT
Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully accepted by Louise R. Bailey, M.Ed., R.N. (Complainant) is the Executive Officer for the Board of Registered Nursing.

DATED: April 30, 2013


Louise R. Bailey, M.Ed., R.N.
Executive Officer

BOARD OF REGISTERED NURSING

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT "A"

Stipulated Settlement and Disciplinary Order No. 2012-637

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

SHANNON REBECCA ARMSTRONG
a.k.a. SHANNON R. WAYCOTT
a.k.a. SHANNON REBECCA WAYCOTT
1101 S. 10th Street, Apt. D
El Centro, CA 92243

Registered Nurse License No. 560464

Respondent

Case No. 2012-637

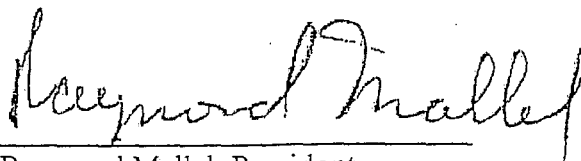
OAH No. 2012050327

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on March 4, 2013.

IT IS SO ORDERED February 2, 2013.



Raymond Mallel, President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
3 LAURO A. PAREDES
Deputy Attorney General
4 State Bar No. 254663
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2091
7 Facsimile: (619) 645-2061
Attorneys for Complainant

8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2012-637

12 SHANNON REBECCA ARMSTRONG,
AKA SHANNON R. WAYCOTT, AKA
13 SHANNON REBECCA WAYCOTT
1661 Yucca Drive
14 El Centro, CA 92243

OAH No. 2012050327

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15 Registered Nurse License No. 560464

16 Respondent.

17
18 In the interest of a prompt and speedy settlement of this matter, consistent with the public
19 interest and the responsibility of the Board of Registered Nursing of the Department of Consumer
20 Affairs, the parties hereby agree to the following Stipulated Settlement and Disciplinary Order
21 which will be submitted to the Board for approval and adoption as the final disposition of the
22 Accusation.

23 **PARTIES**

24 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Interim Executive Officer of the
25 Board of Registered Nursing. She brought this action solely in her official capacity and is
26 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by
27 Lauro A. Paredes, Deputy Attorney General.
28

2. Respondent Shannon Rebecca Armstrong, aka Shannon R. Waycott, aka Shannon Rebecca Waycott (Respondent) is representing herself in this proceeding and has chosen not to exercise her right to be represented by counsel.

3. On or about October 15, 1999, the Board of Registered Nursing issued Registered Nurse License No. 560464 to Shannon Rebecca Armstrong (Respondent). The Registered Nurse License was in full force and effect at all times relevant to the charges brought in Accusation No. 2012-637 and will expire on April 30, 2013, unless renewed.

JURISDICTION

4. Accusation No. 2012-637 was filed before the Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on April 17, 2012. Respondent timely filed her Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 2012-637 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, and understands the charges and allegations in Accusation No. 2012-637. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

///

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

2
34
5

6

7
8
9
0
1
2
3
4
5
6

7
8
9

0
1
2
3
4
5

6
7
8

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 560464 issued to Respondent Shannon Rebecca Armstrong (Respondent) is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions.

Severability Clause. Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by Respondent to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, Respondent shall submit completed fingerprint forms and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process.

Criminal Court Orders: If Respondent is under criminal court orders, including probation or parole, and the order is violated, this shall be deemed a violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.

2. **Comply with the Board's Probation Program.** Respondent shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the Respondent's compliance with the Board's Probation Program. Respondent shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension.

Upon successful completion of probation, Respondent's license shall be fully restored.

3. **Report in Person.** Respondent, during the period of probation, shall appear in person at interviews/meetings as directed by the Board or its designated representatives.

1 4. **Residency, Practice, or Licensure Outside of State.** Periods of residency or
2 practice as a registered nurse outside of California shall not apply toward a reduction of this
3 probation time period. Respondent's probation is tolled, if and when she resides outside of
4 California. Respondent must provide written notice to the Board within 15 days of any change of
5 residency or practice outside the state, and within 30 days prior to re-establishing residency or
6 returning to practice in this state.

7 Respondent shall provide a list of all states and territories where she has ever been licensed
8 as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide
9 information regarding the status of each license and any changes in such license status during the
10 term of probation. Respondent shall inform the Board if she applies for or obtains a new nursing
11 license during the term of probation.

12 5. **Submit Written Reports.** Respondent, during the period of probation, shall submit
13 or cause to be submitted such written reports/declarations and verification of actions under
14 penalty of perjury, as required by the Board. These reports/declarations shall contain statements
15 relative to Respondent's compliance with all the conditions of the Board's Probation Program.
16 Respondent shall immediately execute all release of information forms as may be required by the
17 Board or its representatives.

18 Respondent shall provide a copy of this Decision to the nursing regulatory agency in every
19 state and territory in which she has a registered nurse license.

20 6. **Function as a Registered Nurse.** Respondent, during the period of probation, shall
21 engage in the practice of registered nursing in California for a minimum of 24 hours per week for
22 6 consecutive months or as determined by the Board.

23 For purposes of compliance with the section, "engage in the practice of registered nursing"
24 may include, when approved by the Board, volunteer work as a registered nurse, or work in any
25 non-direct patient care position that requires licensure as a registered nurse.

26 The Board may require that advanced practice nurses engage in advanced practice nursing
27 for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

28 ///

1 If Respondent has not complied with this condition during the probationary term, and
2 Respondent has presented sufficient documentation of her good faith efforts to comply with this
3 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an
4 extension of Respondent's probation period up to one year without further hearing in order to
5 comply with this condition. During the one year extension, all original conditions of probation
6 shall apply.

7 **7. Employment Approval and Reporting Requirements.** Respondent shall obtain
8 prior approval from the Board before commencing or continuing any employment, paid or
9 voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
10 performance evaluations and other employment related reports as a registered nurse upon request
11 of the Board.

12 Respondent shall provide a copy of this Decision to her employer and immediate
13 supervisors prior to commencement of any nursing or other health care related employment.

14 In addition to the above, Respondent shall notify the Board in writing within seventy-two
15 (72) hours after she obtains any nursing or other health care related employment. Respondent
16 shall notify the Board in writing within seventy-two (72) hours after she is terminated or
17 separated, regardless of cause, from any nursing, or other health care related employment with a
18 full explanation of the circumstances surrounding the termination or separation.

19 **8. Supervision.** Respondent shall obtain prior approval from the Board regarding
20 Respondent's level of supervision and/or collaboration before commencing or continuing any
21 employment as a registered nurse, or education and training that includes patient care.

22 Respondent shall practice only under the direct supervision of a registered nurse in good
23 standing (no current discipline) with the Board of Registered Nursing, unless alternative methods
24 of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are
25 approved.

26 Respondent's level of supervision and/or collaboration may include, but is not limited to the
27 following:

28 ///

1 (a) Maximum - The individual providing supervision and/or collaboration is present in
2 the patient care area or in any other work setting at all times.

3 (b) Moderate - The individual providing supervision and/or collaboration is in the patient
4 care unit or in any other work setting at least half the hours Respondent works.

5 (c) Minimum - The individual providing supervision and/or collaboration has person-to-
6 person communication with Respondent at least twice during each shift worked.

7 (d) Home Health Care - If Respondent is approved to work in the home health care
8 setting, the individual providing supervision and/or collaboration shall have person-to-person
9 communication with Respondent as required by the Board each work day. Respondent shall
10 maintain telephone or other telecommunication contact with the individual providing supervision
11 and/or collaboration as required by the Board during each work day. The individual providing
12 supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to
13 patients' homes visited by Respondent with or without Respondent present.

14 9. **Employment Limitations.** Respondent shall not work for a nurse's registry, in any
15 private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse,
16 or for an in-house nursing pool.

17 Respondent shall not work for a licensed home health agency as a visiting nurse unless the
18 registered nursing supervision and other protections for home visits have been approved by the
19 Board. Respondent shall not work in any other registered nursing occupation where home visits
20 are required.

21 Respondent shall not work in any health care setting as a supervisor of registered nurses.
22 The Board may additionally restrict Respondent from supervising licensed vocational nurses
23 and/or unlicensed assistive personnel on a case-by-case basis.

24 Respondent shall not work as a faculty member in an approved school of nursing or as an
25 instructor in a Board approved continuing education program.

26 Respondent shall work only on a regularly assigned, identified and predetermined
27 worksite(s) and shall not work in a float capacity.

28 ///

1 If Respondent is working or intends to work in excess of 40 hours per week, the Board may
2 request documentation to determine whether there should be restrictions on the hours of work.

3 10. **Complete a Nursing Course(s).** Respondent, at her own expense, shall enroll and
4 successfully complete a course(s) relevant to the practice of registered nursing no later than six
5 months prior to the end of her probationary term.

6 Respondent shall obtain prior approval from the Board before enrolling in the course(s).
7 Respondent shall submit to the Board the original transcripts or certificates of completion for the
8 above required course(s). The Board shall return the original documents to Respondent after
9 photocopying them for its records.

10 11. **Cost Recovery.** Respondent shall pay to the Board costs associated with its
11 investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
12 amount of \$1,950.00. Respondent shall be permitted to pay these costs in a payment plan
13 approved by the Board, with payments to be completed no later than three months prior to the end
14 of the probation term.

15 If Respondent has not complied with this condition during the probationary term, and
16 Respondent has presented sufficient documentation of her good faith efforts to comply with this
17 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an
18 extension of Respondent's probation period up to one year without further hearing in order to
19 comply with this condition. During the one year extension, all original conditions of probation
20 will apply.

21 12. **Violation of Probation.** If Respondent violates the conditions of her probation, the
22 Board after giving Respondent notice and an opportunity to be heard, may set aside the stay order
23 and impose the stayed discipline (revocation/suspension) of Respondent's license.

24 If during the period of probation, an accusation or petition to revoke probation has been
25 filed against Respondent's license or the Attorney General's Office has been requested to prepare
26 an accusation or petition to revoke probation against Respondent's license, the probationary
27 period shall automatically be extended and shall not expire until the accusation or petition has
28 been acted upon by the Board.

1 13. **License Surrender.** During Respondent's term of probation, if she ceases practicing
2 due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation,
3 Respondent may surrender her license to the Board. The Board reserves the right to evaluate
4 Respondent's request and to exercise its discretion whether to grant the request, or to take any
5 other action deemed appropriate and reasonable under the circumstances, without further hearing.
6 Upon formal acceptance of the tendered license and wall certificate, Respondent will no longer be
7 subject to the conditions of probation.

8 Surrender of Respondent's license shall be considered a disciplinary action and shall
9 become a part of Respondent's license history with the Board. A registered nurse whose license
10 has been surrendered may petition the Board for reinstatement no sooner than the following
11 minimum periods from the effective date of the disciplinary decision:

12 (1) Two years for reinstatement of a license that was surrendered for any reason other
13 than a mental or physical illness; or

14 (2) One year for a license surrendered for a mental or physical illness.

15 14. **Physical Examination.** Within 45 days of the effective date of this Decision,
16 Respondent, at her expense, shall have a licensed physician, nurse practitioner, or physician
17 assistant, who is approved by the Board before the assessment is performed, submit an
18 assessment of the Respondent's physical condition and capability to perform the duties of a
19 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If
20 medically determined, a recommended treatment program will be instituted and followed by the
21 Respondent with the physician, nurse practitioner, or physician assistant providing written reports
22 to the Board on forms provided by the Board.

23 If Respondent is determined to be unable to practice safely as a registered nurse, the
24 licensed physician, nurse practitioner, or physician assistant making this determination shall
25 immediately notify the Board and Respondent by telephone, and the Board shall request that the
26 Attorney General's office prepare an accusation or petition to revoke probation. Respondent shall
27 immediately cease practice and shall not resume practice until notified by the Board. During this
28 period of suspension, Respondent shall not engage in any practice for which a license issued by

1 the Board is required until the Board has notified Respondent that a medical determination
2 permits Respondent to resume practice. This period of suspension will not apply to the reduction
3 of this probationary time period.

4 If Respondent fails to have the above assessment submitted to the Board within the 45-day
5 requirement, Respondent shall immediately cease practice and shall not resume practice until
6 notified by the Board. This period of suspension will not apply to the reduction of this
7 probationary time period. The Board may waive or postpone this suspension only if significant,
8 documented evidence of mitigation is provided. Such evidence must establish good faith efforts
9 by Respondent to obtain the assessment, and a specific date for compliance must be provided.
10 Only one such waiver or extension may be permitted.

11 **15. Participate in Treatment/Rehabilitation Program for Chemical Dependence.**

12 Respondent, at her expense, shall successfully complete during the probationary period or shall
13 have successfully completed prior to commencement of probation a Board-approved
14 treatment/rehabilitation program of at least six months duration. As required, reports shall be
15 submitted by the program on forms provided by the Board. If Respondent has not completed a
16 Board-approved treatment/rehabilitation program prior to commencement of probation,
17 Respondent, within 45 days from the effective date of the decision, shall be enrolled in a program.
18 If a program is not successfully completed within the first nine months of probation, the Board
19 shall consider Respondent in violation of probation.

20 Based on Board recommendation, each week Respondent shall be required to attend at least
21 one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics Anonymous,
22 Alcoholics Anonymous, etc.) and a nurse support group as approved and directed by the Board.
23 If a nurse support group is not available, an additional 12-step meeting or equivalent shall be
24 added. Respondent shall submit dated and signed documentation confirming such attendance to
25 the Board during the entire period of probation. Respondent shall continue with the recovery plan
26 recommended by the treatment/rehabilitation program or a licensed mental health examiner
27 and/or other ongoing recovery groups.

28 ///

1 **16. Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent shall
2 completely abstain from the possession, injection or consumption by any route of all controlled
3 substances and all psychotropic (mood altering) drugs, including alcohol, except when the same
4 are ordered by a health care professional legally authorized to do so as part of documented
5 medical treatment. Respondent shall have sent to the Board, in writing and within fourteen (14)
6 days, by the prescribing health professional, a report identifying the medication, dosage, the date
7 the medication was prescribed, the Respondent's prognosis, the date the medication will no
8 longer be required, and the effect on the recovery plan, if appropriate.

9 Respondent shall identify for the Board a single physician, nurse practitioner or physician
10 assistant who shall be aware of Respondent's history of substance abuse and will coordinate and
11 monitor any prescriptions for Respondent for dangerous drugs, controlled substances or mood-
12 altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report
13 to the Board on a quarterly basis Respondent's compliance with this condition. If any substances
14 considered addictive have been prescribed, the report shall identify a program for the time limited
15 use of any such substances.

16 The Board may require the single coordinating physician, nurse practitioner, or physician
17 assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive
18 medicine.

19 **17. Submit to Tests and Samples.** Respondent, at her expense, shall participate in a
20 random, biological fluid testing or a drug screening program which the Board approves. The
21 length of time and frequency will be subject to approval by the Board. Respondent is responsible
22 for keeping the Board informed of Respondent's current telephone number at all times.
23 Respondent shall also ensure that messages may be left at the telephone number when she is not
24 available and ensure that reports are submitted directly by the testing agency to the Board, as
25 directed. Any confirmed positive finding shall be reported immediately to the Board by the
26 program and Respondent shall be considered in violation of probation.

27 In addition, Respondent, at any time during the period of probation, shall fully cooperate
28 with the Board or any of its representatives, and shall, when requested, submit to such tests and

1 samples as the Board or its representatives may require for the detection of alcohol, narcotics,
2 hypnotics, dangerous drugs, or other controlled substances.

3 If Respondent has a positive drug screen for any substance not legally authorized and not
4 reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board
5 files a petition to revoke probation or an accusation, the Board may suspend Respondent from
6 practice pending the final decision on the petition to revoke probation or the accusation. This
7 period of suspension will not apply to the reduction of this probationary time period.

8 If Respondent fails to participate in a random, biological fluid testing or drug screening
9 program within the specified time frame, Respondent shall immediately cease practice and shall
10 not resume practice until notified by the Board. After taking into account documented evidence
11 of mitigation, if the Board files a petition to revoke probation or an accusation, the Board may
12 suspend Respondent from practice pending the final decision on the petition to revoke probation
13 or the accusation. This period of suspension will not apply to the reduction of this probationary
14 time period.

15 **18. Mental Health Examination.** Respondent shall, within 45 days of the effective date
16 of this Decision, have a mental health examination including psychological testing as appropriate
17 to determine her capability to perform the duties of a registered nurse. The examination will be
18 performed by a psychiatrist, psychologist or other licensed mental health practitioner approved by
19 the Board. The examining mental health practitioner will submit a written report of that
20 assessment and recommendations to the Board. All costs are the responsibility of Respondent.
21 Recommendations for treatment, therapy or counseling made as a result of the mental health
22 examination will be instituted and followed by Respondent.

23 If Respondent is determined to be unable to practice safely as a registered nurse, the
24 licensed mental health care practitioner making this determination shall immediately notify the
25 Board and Respondent by telephone, and the Board shall request that the Attorney General's
26 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease
27 practice and may not resume practice until notified by the Board. During this period of
28 suspension, Respondent shall not engage in any practice for which a license issued by the Board

1 is required, until the Board has notified Respondent that a mental health determination permits
2 Respondent to resume practice. This period of suspension will not apply to the reduction of this
3 probationary time period.

4 If Respondent fails to have the above assessment submitted to the Board within the 45-day
5 requirement, Respondent shall immediately cease practice and shall not resume practice until
6 notified by the Board. This period of suspension will not apply to the reduction of this
7 probationary time period. The Board may waive or postpone this suspension only if significant,
8 documented evidence of mitigation is provided. Such evidence must establish good faith efforts
9 by Respondent to obtain the assessment, and a specific date for compliance must be provided.
10 Only one such waiver or extension may be permitted.

11 19. **Therapy or Counseling Program.** Respondent, at her expense, shall participate in
12 an on-going counseling program until such time as the Board releases her from this requirement
13 and only upon the recommendation of the counselor. Written progress reports from the counselor
14 will be required at various intervals.

15 **ACCEPTANCE**

16 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
17 stipulation and the effect it will have on my Registered Nurse License. I enter into this
18 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree
19 to be bound by the Decision and Order of the Board of Registered Nursing.

20
21 DATED: 11/1/12

S. Armstrong
SHANNON REBECCA ARMSTRONG
AKA SHANNON R. WAYCOTT
AKA SHANNON REBECCA WAYCOTT
Respondent

22
23
24
25 ///

26 ///

27 ///

28 ///

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

Dated:

KAMALA D. HARRIS
Attorney General of California
LINDA K. SCHNEIDER
Supervising Deputy Attorney General

Lauro A. Paredes
LAURO A. PAREDES
Deputy Attorney General

16
17
18
19
20
21
22
23
24
25
26
27
28

Exhibit A

Accusation No. 2012-637

1 KAMALA D. HARRIS
Attorney General of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 JAMES M. LEDAKIS
Supervising Deputy Attorney General
4 State Bar No. 132645
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2105
7 Facsimile: (619) 645-2061
Attorneys for Complainant

8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2012-637**

13 **SHANNON R. ARMSTRONG**
14 **aka SHANNON R. WAYCOTT**
15 **aka SHANNON REBECCA WAYCOTT**
16 **1661 Yucca Drive**
El Centro, CA 92243

ACCUSATION

17 **Registered Nurse License No. 560464**

18 **Respondent.**

19 **Complainant alleges:**

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
22 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
23 of Consumer Affairs.

24 2. On or about October 15, 1999, the Board of Registered Nursing issued Registered
25 Nurse License Number 560464 to Shannon R. Armstrong (Respondent). The Registered Nurse
26 License was in full force and effect at all times relevant to the charges brought herein and will
27 expire on April 30, 2013, unless renewed.

28 **///**

JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

STATUTORY PROVISIONS

6. Section 482 of the Code states:

Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

- (a) Considering the denial of a license by the board under Section 480; or
- (b) Considering suspension or revocation of a license under Section 490.

Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

7. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

8. Section 493 of the Code states:

Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board

1 may inquire into the circumstances surrounding the commission of the crime in order
2 to fix the degree of discipline or to determine if the conviction is substantially related
to the qualifications, functions, and duties of the licensee in question.

3 As used in this section, "license" includes "certificate," "permit," "authority,"
4 and "registration."

5 9. Section 2761 of the Code states:

6 The board may take disciplinary action against a certified or licensed nurse or
7 deny an application for a certificate or license for any of the following:

8 (a) Unprofessional conduct, which includes, but is not limited to, the
following:

9

10 (f) Conviction of a felony or of any offense substantially related to the
11 qualifications, functions, and duties of a registered nurse, in which event the record of
the conviction shall be conclusive evidence thereof.

12

13 10. Section 2762 of the Code states:

14 In addition to other acts constituting unprofessional conduct within the meaning
15 of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person
licensed under this chapter to do any of the following:

16

17 (b) Use any controlled substance as defined in Division 10 (commencing with
18 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous
device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner
19 dangerous or injurious to himself or herself, any other person, or the public or to the
extent that such use impairs his or her ability to conduct with safety to the public the
20 practice authorized by his or her license.

21 (c) Be convicted of a criminal offense involving the prescription, consumption,
or self-administration of any of the substances described in subdivisions (a) and (b) of
22 this section, or the possession of, or falsification of a record pertaining to, the
substances described in subdivision (a) of this section, in which event the record of
23 the conviction is conclusive evidence thereof.

24

25 ///

26 ///

27 ///

28 ///

REGULATORY PROVISIONS

11. California Code of Regulations, title 16, section 1444, states:

A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

(a) Assaultive or abusive conduct including, but not limited to, those violations listed in subdivision (d) of Penal Code Section 11160.

(b) Failure to comply with any mandatory reporting requirements.

(c) Theft, dishonesty, fraud, or deceit.

(d) Any conviction or act subject to an order of registration pursuant to Section 290 of the Penal Code.

12. California Code of Regulations, title 16, section 1445 states:

....

(b) When considering the suspension or revocation of a license on the grounds that a registered nurse has been convicted of a crime, the board, in evaluating the rehabilitation of such person and his/her eligibility for a license will consider the following criteria:

(1) Nature and severity of the act(s) or offense(s).

(2) Total criminal record.

(3) The time that has elapsed since commission of the act(s) or offense(s).

(4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

(6) Evidence, if any, of rehabilitation submitted by the licensee.

COSTS

13. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

FIRST CAUSE FOR DISCIPLINE

**(January 26, 2010 Criminal Conviction for Driving Under the Influence of Alcohol
With a Blood Alcohol Content of 0.08% or More [0.301-0.033%] on January 25, 2010)**

14. Respondent has subjected her license to disciplinary action under sections 490 and 2761, subdivision (f) of the Code in that Respondent was convicted of a crime that is substantially related to the qualifications, functions, and duties of a registered nurse. The circumstances are as follows:

15. On or about January 26, 2010, in a criminal proceeding entitled *State of Arizona vs. Shannon Rebecca Armstrong*, in the Salome Justice Court, in Case No. CR2010-0016, Respondent was convicted on her plea of guilty of violating Arizona Revised Statute 28-1382(A)(2) (Extreme DUI [BAC 0.301-0.303%]).

16. The facts that led to the conviction are that on January 25, 2010, at approximately 1304 hours, Arizona Department of Public Safety officers responded to the area of the ZIP truck stop parking lot regarding a blue truck with furniture in the back that had been reported as swerving all over the road.

17. When officers arrived in the area, they located the vehicle and observed the vehicle stop in the middle of the southbound lane on Vicksburg Road Milestone 0, as it was traveling north attempting to enter the parking lot using the exit only lane. When officers made contact with the driver, they smelled a strong odor of an alcoholic beverage on the driver's breath. Officers had Respondent perform a field sobriety test, which she failed. Respondent provided officers with a breath sample which showed a breath alcohol reading of .345%.

18. Respondent informed the officers that she was a recovering alcoholic. Officers asked Respondent when was the last time she drank alcohol, and Respondent told officers that she had drank alcohol the night before. During the field interview, Respondent was asked by officers if she felt the effects of the alcohol, and she replied that she did not. Officers asked Respondent to rate herself on a scale of 1 to 10 "with a '1' being completely sober, and a '10' as drunk as she had ever been" and Respondent told officers that she felt like she was a "4." Respondent

1 informed officers that she was driving from Phoenix, Arizona to El Centro, California, and that
2 prior to leaving her Phoenix location, she had been drinking Vodka, but did not know how much
3 she drank. During a search of Respondent's vehicle, officers found a cup with alcohol still in it.
4 Respondent was placed under arrest for driving under the influence of alcohol and transported to
5 the La Paz County Sheriff's Office substation in Salome, Arizona, where officers found that their
6 Intoxilyzer 8000 was not working. Respondent was then transported to the La Paz County Jail
7 where Respondent provided breath samples into an Intoxilyzer 8000 at approximately 1457 hours
8 and 1518 hours, which showed a breath alcohol content of 0.301% and 0.303%, respectively.

9 19. As a result of the above conviction, the Court ordered Respondent to serve 45 days in
10 the county jail, pay various fines and fees in the amount of \$1,012, and ordered that any motor
11 vehicle operated by Respondent be equipped with a certified ignition interlock device pursuant to
12 Extreme DUI Arizona Revised Statute 28-1382(D)(5).

13 SECOND CAUSE FOR DISCIPLINE

14 (Unprofessional Conduct - Use of Alcohol in a Dangerous Manner)

15 20. Respondent has subjected her registered nurse license to disciplinary action under
16 section 2762, subdivision (b) of the Code, for unprofessional conduct, in that on or about
17 January 25, 2010, Respondent used alcoholic beverages to an extent or in a manner that was
18 dangerous and injurious to herself and to others in that she operated a motor vehicle with a
19 significantly high BAC, which is more detailed at paragraphs 14-19, above, which are
20 incorporated here by reference.

21 THIRD CAUSE FOR DISCIPLINE

22 (Unprofessional Conduct - Conviction of an Alcohol-Related Criminal Offense)

23 21. Respondent has subjected her registered nurse license to disciplinary action under
24 section 2762, subdivision (c) of the Code, for unprofessional conduct, in that on or about
25 January 26, 2010, Respondent was convicted of criminal offenses involving the consumption
26 and/or self-administration of alcohol, as is more detailed at paragraphs 14-19, above, which are
27 incorporated here by reference.

28 ///

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 560464, issued to Shannon R. Armstrong, aka Shannon R. Waycott, aka Shannon Rebecca Waycott;

2. Ordering Shannon R. Armstrong, aka Shannon R. Waycott, aka Shannon Rebecca Waycott; to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: April 17, 2012

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

SD2011801228
80579578.docx